

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 59-123 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claim 111 was objected to because of an informality due to a misspelling of the word “copy”. Applicants have corrected the misspelling and believe this objection has now been overcome.

Claims 115 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 115 has been amended to provide sufficient antecedent basis for the limitation “said analog signal”. Accordingly, Applicants believe this rejection has been overcome.

Claims 59-62, 72-77, 86-90, and 99-105 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 and 4-22 of U.S. Patent 6,185,687. Claims 106-107 and 110-112 were rejected under the judicially created

doctrine of obviousness-type double patenting as being unpatentable over claims 23-26 of U.S. Patent 6,185,687 in view of U.S. Patent 5,418,853. Applicants have amended each of the independent claims in the present application. Accordingly, the present claims are no longer similar to the issued claims of the '687 patent and this rejection should now be withdrawn.

In addition, as noted by the Examiner, a timely filed terminal disclaimer may be used to overcome the provisional double patenting rejections provided the conflicting patent is shown to be commonly owned with the present application. The conflicting '687 patent is commonly owned with the present application. However, it is not clear whether following prosecution the allowable claims from the present application will be obvious in view of the issued claims in U.S. Patent 6,185,687. Hence, Applicants agree to file a terminal disclaimer if the allowable claims in the present application are found to be obvious in view of the issued claims of U.S. Patent 6,185,687.

Claims 59-60, 73, 75-77, 86-87, 101, and 103-105 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kanota et al. (U.S. Patent 5,418,853). Claims 61-66, 71-72, 78, 80-85, 89-94 and 99-100 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanota in view of Kondo (U.S. Patent 5,538,773). Claims 67-70 and 95-99 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanota in view of Kondo and further in view of Sato (U.S. Patent 5,392,128). Claims 74 and 102 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanota in view of Ryan (U.S. Patent 4,577,216). Claims 106-109, 111-115, and 117 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanota in view of Kondo and further in view of Takahashi (U.S. Patent 5,960,151). Claim 110 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanota in view of Kondo, Takahashi and Sato.

Claim 116 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanota in view of Kondo, Takahashi and Ryan. Claims 118-120 and 122-123 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Kimoto et al. (U.S. Patent 5,303,294) and further in view of Lieberfarb et al. (U.S. Patent 5,488,410). Claim 121 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Kimoto, Lieberfarb, and Ryan.

However, the present invention includes a copy control feature to prevent unauthorized copying of video signals in either digital or both digital and analog form. (Specification pages 3-4) Each of the independent claims (59, 78, 86, 106, 111, and 118) has been amended to cover “said recording control information including copy management information indicating whether copying of only digital data is inhibited or copying of both digital data and analog signals is inhibited.” (Claim 106 and 111; Claims 59, 78, 86, and 118 contain similar limitations) These limitations are supported throughout the specification; for example, at page 31, lines 9-14. Applicants believe none of the references cited by the Examiner in rejecting the claims teaches an equivalent limitation of copy management information for inhibiting copying of digital or digital and analog signals.

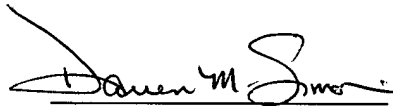
Accordingly, for at least this reason, any combination of Kanota, Kondo, Sato, Takahashi, Kimoto, Lieberfarb, and Ryan fails to obviate the present invention and the rejected claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

An extension-of-time fee is deemed to be required for the filing of this amendment. No additional fees are anticipated, but if such are required, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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